

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----x 15-cv-05831 (AKH)

VICTOR CALLENDER,

Plaintiff

ANSWER

-against-

FORSTER & GARBUS, LLP,

Defendant

-----x

Defendant, Forster & Garbus, LLP (“Defendant”), by its attorney ROBERT L. ARLEO, ESQ., answering the Plaintiff’s Complaint dated July 23, 2015 (“hereinafter Plaintiff’s Complaint”), sets forth as follows:

1. In regard to the allegations set forth in paragraph 1 of Plaintiff’s Complaint, admit that the herein action was commenced under the Fair Debt Collection Practices Act (hereinafter “FDCPA”) but otherwise deny that the Defendant committed any violation(s) of the FDCPA or any other law.

2. In regard to the allegations set forth in paragraphs 2 and 3 of the Plaintiff's Complaint, leave to the Court all determinations in regard to proper jurisdiction and venue.
3. Deny the allegations set forth in paragraphs 25 and 26 of the Plaintiff's Complaint.
4. Admit the allegations set forth in paragraphs 4, 5, 6, 7, 8, 9, 11, 12, 17, 18 and 20 of the Plaintiff's Complaint.
5. Deny knowledge or information sufficient to form a belief in regard to the allegations set forth in paragraphs 10, 13, 14, 15, 16, 19, 21, 22 and 23 of the Plaintiff's Complaint.
6. In regard to the allegations set forth in paragraph 24 of the Plaintiff's Complaint refer to each and every other paragraph set forth herein.

AS AND FOR A FIRST AFFIRMATIVE DEFENSE

7. Any violation of the FDCPA was unintentional and the result of "bona fide error" notwithstanding the implementation of policies and procedures by the Defendant which are designed to prevent such error.

AS AND FOR A SECOND AFFIRMATIVE DEFENSE

8. The Plaintiff failed to mitigate his alleged actual damages.

If any dispositive motion filed by the Defendant does not result in a complete judgment for the Defendant and trial of the herein matter is necessitated then the Defendant respectfully requests a trial by jury.

DATED: October 16, 2015

/ s / Robert L. Arleo
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